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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,114

Applicant(s)

RODOLICO, JOSEPH T.

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The drawings filed 4/9/08 and amendments to the specification filed on 4/9/08 are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 7-12, 15-21, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (U.S. Patent Publication 2002/0124266) in view of US 4,155,042 to Permut.

a. In regards to Claim 1, Blanchard discloses a method for processing system messages including data at an electronic device having at least a full power mode and a low power mode, the electronic device including device circuitry that is in a powered up state in the full power mode and in a powered down state in the low power mode, the method comprising the steps of (Abstract):

receiving at least one system message including data for processing by the electronic device while the electronic device is in the low power mode (Abstract, lines 4-5);

generating a message available indicator responsive to the at least one system message (Abstract, lines 5-8);

generating a process message signal responsive to at least one of (i) the message available indicator and (ii) the data of the at least one system message (page 2, paragraph [0028], lines 1-4);

transitioning the device circuitry within the electronic device from the powered down state to the powered up state responsive to the process message signal (page 2, paragraph [0028], lines 4-8); and

processing the data of the at least one system message using the device circuitry in the powered up state (It is inherent that the externally generated information received (e.g. software downloads for system maintenance and such) be processed, page 1, paragraph [0009], lines 1-4.).

Blanchard however fails to teach a powered up state in low power mode and processing the message in the powered up state while in the low power mode.

Permut discloses an emergency alert system which has a low power mode which searches for a activation signal for an alert(column 3, line 62-column 4, line 9). Upon receiving the proper signal an alarm output is activated such as a television set, PA system, alarms etc (column 4, lines 22-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Blanchard to utilize the low power alarm features as taught by Permut in order to alert a user to an emergency.

In regards to Claim 2, Blanchard discloses a method for transitioning the device circuitry from the powered up state to the powered down state after processing the data of the at least one system message (page 3, paragraph [0031], lines 1-10).

In regards to Claim 3, a method for "determining if additional system messages including data are received during the processing of the data of the at least one system message;

wherein said processing step further comprises processing the data of each of the additional system messages prior to transitioning from the powered up state to the powered down state" is inherit in Blanchard's disclosure.

Blanchard's invention would continue to cycle through the process until all messages downloaded and processed (Figure 3, elements 350 and 380; Figure 5, elements 560 and 590; page 3, paragraphs [0039-0040]; and page 5, paragraphs [0065-0066]).

In regards to Claim 4, Blanchard discloses a method wherein the at least one system message is received via message circuitry and wherein the step of generating the message available indicator comprises the steps of:

polling the message circuitry for the at least one message (page 2, paragraph [0028], lines 1-4); and

generating the message available indicator responsive to polling the message circuitry if the at least one message is available (page 2, paragraph [0028], lines 1-8).

In regards to Claim 5, Blanchard discloses a method wherein the at least one system message is received via message circuitry and wherein the message available

indicator is an interrupt generated by the message circuitry responsive to the at least one system message (page 2, paragraph [0027], lines 1-6), lines 1-6).

In regards to Claim 7, Blanchard discloses a method wherein the step of generating the process message signal comprises the steps of:

identifying one or more of the at least one system messages including data containing new information; and

generating the process message signal responsive to the new information system message data;

wherein system messages including data without new information are discarded (page 3, paragraph [0030], lines 1-10).

In regards to Claims 8-9, they have been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 above because the scope of the claims are similar.

In regards to Claim 10, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 2 above because the scope of the claims are similar.

In regards to Claim 11, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 4 above because the scope of the claims are similar.

In regards to Claim 12, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 5 above because the scope of the claims are similar.

In regards to Claim 15, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 7 above because the scope of the claims are similar.

In regards to Claim 16, Blanchard discloses an apparatus, wherein the electronic device is a television receiver (Figure 1, element 120).

In regards to Claim 17, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 1 because the scope of the claims are similar.

In regards to Claim 18, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 2 because the scope of the claims are similar.

In regards to Claim 19, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 3 because the scope of the claims are similar.

In regards to Claim 20, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 4 because the scope of the claims are similar.

In regards to Claim 21, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 5 because the scope of the claims are similar.

In regards to Claim 23, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 7 because the scope of the claims are similar.

Claims 6, 13-14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard and Permut as applied to claim 1 above, and further in view of Jerding et al. U.S. Patent Publication 2005/0172326.

In regards to Claim 6, Blanchard discloses a method for generating a message signal. However, Blanchard and Permut does not disclose a method for prioritization of system messages or storing lower level system messages for later processing. Jerding discloses a system and method for "identifying a priority level

for the data of each of the at least one system messages; and generating the process message signal responsive to system message data having a first priority level; wherein system messages including data having a second priority level are stored for processing when the electronic device enters the full power mode (page 1, paragraph [0008], lines 1-7 and page 7, paragraph [0060], lines 1-7)." Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Blanchard, Permut and Jerding to prioritize system messages and store lower level system messages for later processing. Incorporating prioritization and storage features would allow the invention to immediately process emergency action type messages and process less critical information at a later time.

In regards to Claim 13, Blanchard discloses a method and device for permitting a set-top box to operate in a low power mode. However, Blanchard and Permut does not disclose a device with memory coupled to a processor. Jerding discloses a system comprising of a memory configured to store at least a portion of the at least one system message; and a processor coupled to the memory, the processor configured to generate the process message signal responsive to a predefined portion of the memory being filled by the at least one system message (FIG.2, elements 24 and 29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Blanchard, Permut and Jerding to include memory coupled to a processor in an apparatus in order to store system messages and generate a process message.

The combined teachings would enable the invention to implement a prioritizing process by holding the lower priority messages for the processor to process at a later time.

In regards to Claim 14, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 above because the scope of the claims are similar.

In regards to Claim 22, it has been analyzed and rejected for the same reasons set forth in the rejection of Claim 6 because the scope of the claims are similar.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner
Art Unit 2623

HBL